

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Katherine Oliver,)	Civil Action No.: 7:15-4759-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
Spartanburg Regional Healthcare System,)	
Inc. and Westinghouse Air Brake)	
Technologies Corporation, <i>d/b/a</i> Wabtec)	
Corporation,)	
Defendants.		

Plaintiff Katherine Oliver, (“Plaintiff”), brings this employment discrimination action pursuant to the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, *et seq.* (ECF No. 28). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for all pretrial handling. On September 08, 2016, following briefing by the parties, the Magistrate Judge prepared and submitted a thorough Report and Recommendation, (The Report), (ECF No. 48), recommending that Defendant Spartanburg Regional Healthcare System, Inc.’s Motion to Dismiss Plaintiff’s Second Amended Complaint, (ECF No. 37), be denied. Objections to the Report were due by September 26, 2016. Defendant did not file any objections to the Report, and the matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 48), and finding no clear error in the Report, the Court adopts and incorporates it herein by reference. Accordingly, Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint, (ECF No. 37), is **DENIED**. Defendant’s companion Motion to Stay Discovery, (ECF No. 38), is likewise **DENIED**.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

September 27, 2016
Columbia, South Carolina